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11 Attorneys for Defendants and Counterclaim  
12 Plaintiffs TOSHIBA AMERICA ELECTRONIC  
13 COMPONENTS, INC.; and TOSHIBA  
14 CORPORATION

15 **UNITED STATES DISTRICT COURT**  
16 **NORTHERN DISTRICT OF CALIFORNIA**  
17 **OAKLAND DIVISION**

18 TALON RESEARCH, LLC,  
19 Plaintiff/Counterclaim  
20 Defendant,  
21 v.  
22 TOSHIBA AMERICA ELECTRONIC  
23 COMPONENTS, INC.; TOSHIBA  
24 CORPORATION,  
25 Defendants/Counterclaim  
26 Plaintiffs.

27 Case No. 11-04819 CW

28 **REQUEST and [OPPOSED PROPOSED]  
ORDER TO MODIFY CASE MANAGEMENT  
ORDER**

WHEREAS, on June 6, 2012, the Court issued its Case Management Order;

WHEREAS, on July 20, 2012, the Court entered an order modifying its Case Management Order;

WHEREAS, on October 17, 2012, the Court entered an order further modifying its Case Management Order;

WHEREAS, on December 27, 2012, the Court entered an order further modifying its Case Management Order;

WHEREAS, on January 16, 2013, the Court entered an order further modifying its Case Management Order;

1           WHEREAS, the parties' Joint Claim Construction and Prehearing Statement is due on  
2 February 27, 2013;

3           WHEREAS, the parties have entered into a settlement agreement;

4           WHEREAS, the parties must complete certain formalities to finalize the settlement  
5 agreement;

6           WHEREAS, given that only certain formalities need to be completed before the parties'  
7 settlement is effected and that the parties do not wish to unnecessarily expend resources, the  
8 parties believe that the Case Management Order should be further revised to delay claim  
9 construction activities and discovery by nine (9) weeks; and

10          WHEREAS, the proposed change in dates does not otherwise affect summary judgment,  
11 the close of fact and expert discovery, the pre-trial conference, trial date or any other filing date  
12 with the Court;

13          WHEREAS, Talon Research, LLC ("Talon") presented a draft of this Stipulation to  
14 Defendants' counsel, Steven Park, Robert Masters, and Ryan C. Nier ("Toshiba") on Tuesday,  
15 February 26, 2013;

16          WHEREAS, Toshiba did not respond to Talon's presentation of this Stipulation on  
17 Tuesday;

18          WHEREAS, Talon again requested Toshiba to respond to this Stipulation on Wednesday,  
19 February 27, 2013.

20          WHEREAS, Toshiba agreed to a one (1) week delay, but as of 4:40 P.M PST had not  
21 responded to Talon's e-mail response, nor to Talon's three telephonic requests to Steven Park,  
22 Robert Masters, and Ryan C. Nier, to reply to Talon's response;

23          THEREFORE, Talon respectfully jointly request that the case schedule be modified as set  
24 forth below:

Event	Ordered Dates	Revised Dates
Joint claim construction and prehearing statement (Patent L.R. 4-3)	February 27, 2013	May 1, 2013
Completion of claim construction discovery (Patent L.R. 4-4)	April 3, 2013	June 5, 2013

WHEREAS, no other dates previously set by the Court are to be changed by this  
 Stipulation and Order.

/s/ David Martinez

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**ATTESTATION**

In accord with the Northern District of California's General Order No. 45, Section X(B), I  
 attest that concurrence in the filing of this document has been obtained from each of the other  
 signatories who are listed on the signature pages. I will maintain an executed copy of this  
 stipulation in our files that can be made available for inspection upon request.

**PROPOSED ORDER**

NOW THEREFORE, IT IS SO ORDERED.

1 Dated: March 1, 2013

  
2 Hon. CLAUDIA WILKEN  
3 UNITED STATES DISTRICT COURT JUDGE  
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